



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

RADER FISHMAN & GRAUER PLLC
LION BUILDING
1233 20TH STREET N.W., SUITE 501
WASHINGTON DC 20036

COPY MAILED

SEP 08 2004

OFFICE OF PETITIONS

In re Application of
Takashi Nozaki et al.
Reissue Application No. 10/697,005
Filed: October 31, 2003
Attorney Docket No. SHO-0027

: DECISION ACCORDING STATUS
: UNDER 37 CFR 1.47(a)

:

:

This is in response to the petition under 37 CFR 1.47(a), filed August 10, 2004.

The petition is GRANTED.

The above-identified application was filed on October 31, 2003, without an executed oath or declaration and naming Takashi Nozaki and Tomokazu Nakata as joint inventors.

Accordingly, on February 10, 2004 a "Notice To File Missing Parts of Application" was mailed, requiring an executed oath or declaration and a surcharge for its late filing. A two month period for reply was set.

In response, on August 10, 2004, with a four month extension of time request, a petition under 37 CFR 1.47(a) was filed with the last known address of Tomokazu Nakata, petition fee and surcharge, a declaration signed by joint inventor Takashi Nozaki and a declaration by Nobuo Yaegashi, Assistant General Manager of Patents for the Assignee, AZURE, regarding the efforts enlisted to have Mr. Nakata execute the oath or declaration.

The applicant files this petition alleging that joint inventor Tomokazu Nakata refuses to sign the oath/declaration and seeks status under 37 CFR 1.47(a).

A grantable petition under 37 CFR 1.47(a) requires: (1) proof that the non-signing inventor cannot be reached or refuses to sign the oath or declaration after having been presented with the application papers (specification, claims and drawings); (2) an acceptable oath or declaration in compliance with 35 U.S.C. §§ 115 and 116; (3) the petition fee; and (4) a statement of the last known address of the non-signing inventor.

The above-identified application and papers have been reviewed and found in compliance with 37 CFR 1.47(a). In view thereof, this application is hereby accorded Rule 1.47(a) status.

Thus, as provided in Rule 1.47(c), this Office will forward notice of this application's filing to the non-signing inventors at the address given in the petition. Notice of the filing of this application will also be published in the Official Gazette.

The application is being forwarded to Technology Center 3713 for examination in due course.

Telephone inquiries related to this decision should be directed to the undersigned Petitions Attorney at (703) 305-4497.



Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions